

HOW TO FILE A REZONE REQUEST

Q. I HAVE BEEN TOLD I NEED TO REZONE MY PROPERTY. WHAT IS A REZONE AND HOW DO I REQUEST ONE?

A. A rezone is a change in zoning for a specific piece of property. In Tippecanoe County, the legislative body with jurisdiction over the property involved is who will grant the rezone. Before a rezone goes before the legislative body it is heard by the Area Plan Commission at a Public Hearing.

Q. WHEN AND WHERE DOES THE BOARD MEET?

A. The Area Plan Commission meets in Public Meeting on the third Wednesday of each month. The meeting takes place at 7:00 PM in the County Office Building, 20 N. 3rd Street, Lafayette.

Q. HOW DO I MAKE MY REQUEST?

A. Your request for a rezone must be filed with the Area Plan Commission Staff. They will give you all the forms you need.

Q. IS THERE A FILING DEADLINE?

A. Yes. Your complete submission must be filed no less than 30 days before we hold our Public Hearing on your request, that is, more than 4 weeks before our next meeting.

Q. WHAT MAKES UP A COMPLETE SUBMISSION?

A. You must submit all these items before the deadline:

1. Petition: A signed and notarized Petition to Amend Zoning Ordinance, with the metes and bounds legal description of your property;
2. Notarized Consent: If you do not own the property, or if you are buying on contract, a notarized letter of consent is needed from all the owners authorizing the request;
3. Interested Parties List: A list, including the Executive Director of the Area Plan Commission, plus all people who own property either adjacent to yours, or across a street, alley or railroad right-of-way from it. (You can get names, addresses, and "key numbers" of their properties from the County Auditor's Office; the address for the Executive Director of the Area Plan Commission is at the end of this brochure.) (Amended 11-28-01)
4. (2) completed Notice of Public Hearing forms, with the complete legal description or, all of the following: the acreage, or the lot number(s) in a named recorded subdivision; the city or town; political township; and the Section, Township and Range, locating the property; (Amended 1/19/00)
5. (2) completed Release Letters;
6. A copy of the completed Notice to Interested Parties; (Amended 11-28-01)
7. Ordinance: The typed original and (16) copies of the proposed ordinance to rezone your property. (The appropriate sample ordinance is available at the Area Plan Office) The legal description of the property is required as part of the ordinance. (Amended 1/19/00)
8. Rezoning A, AA, or AW zoned land for the purpose of subdividing: A copy of a drawing of the proposed lot and street layout and evidence (signed receipt(s) or notarized letter) that you have complied with the checkpoint procedure. In order to comply with that

procedure, you shall submit to each applicable checkpoint agency a copy of your Petition to Amend Zoning Ordinance and your drawing. The written procedure for proper submittal to checkpoint agencies can be obtained in the APC office. (Amended 3/21/01)

9. Fee: A non-refundable processing fee of \$250 for each rezone petition, \$500 for each Draft Planned Development petition. (Amended 1/15/03)

The Executive Committee of the Area Plan Commission meets the first Wednesday of the month in order to set the Area Plan Commission Public Hearing Agenda. If your application is found to be complete and proper, you or your agent will be notified by mail that you will be heard on the third Wednesday of that month. (If not, we'll tell you what's missing, but you will have missed that month's deadline.)

Q. THEN WHAT HAPPENS TO MY COMPLETE SUBMISSION?

A. Because you have provided (2) Release Letters, APC Staff can take your Notices of Public Hearing to the Journal & Courier and the Lafayette Leader. The Notices will be published once, (10) days before the meeting, and the newspapers will each send you a bill. Staff will study your request and mail a written report and recommendation to you and the Commission on the Friday before the meeting.

Q. DO I DO ANYTHING ELSE BEFORE THE MEETING?

A. Yes. At least (10) days before the meeting, you must:

9. Sign Posting: Put up a Notice of Request for Rezoning sign on each frontage of your property (You buy these at the APC Office for \$10 each.);

10. Mail Letters: By Certified Mail, send to every name on the submitted list of interested parties, a completed copy of the Notice to Interested Parties Letter. (Return receipt not needed); In the case of multiple rezones on contiguous tracts you may send only one set of notices by mail to all interested parties provided a map, showing all the rezones, is included with the notice. (Amended 1/19/00)

11. Newspaper: Pay your bills from the newspapers and receive a Proof of Publication from each.

Then, you will have to give all these items to the APC Staff:

(Your hearing will be automatically continued for a month if you have not turned them all in.)

12. The (2) Proofs of Publication from the newspapers;

13. The Affidavit of Notice to Interested Parties form, signed by you and notarized;

14. All the Certified Mail receipts from the postal clerk for the letters you've sent out;

15. The Affidavit of Sign Posting form, signed by you and notarized on the day of the meeting.

Q. WHAT HAPPENS AT THE MEETING?

A. If you have successfully completed items' 1-15 above, the Commission will hold a Public Hearing on your request. Either you or your representative must be there, or we will dismiss your case. When your turn comes, the Staff will read its report and recommendation. You will then be given an opportunity to speak, as will all others who either support or oppose your request. The Commission can then ask questions. You will be given an opportunity to

have the last word. At the conclusion of the hearing, the Area Plan Commission will vote. We are a 15-member Commission. No matter how many of us are present, you will need at least (8) "yes" votes for a favorable recommendation to the legislative body, or (8) "no" votes for a negative recommendation to the legislative body. Fewer than (8), either way, and your request is automatically continued to the next meeting. If a decision for or against is reached the results and your ordinance will be forwarded to the proper governmental jurisdiction.

Q. WHAT HAPPENS NEXT?

A. You or your representative must then attend the meeting where your rezone request will be heard. If the request is in the County, it will be heard by the County Commissioners; in Lafayette or West Lafayette, by the City Council; in Dayton, Battle Ground or Clarks Hill by the Town Council. (Amended 8/21/96) The legislative body makes the final determination on your rezoning request.

Q. WHAT IF I'M NOT READY FOR THE MEETING?

A. At any time before your hearing comes up, you may ask the Commission for a continuance, usually until the next meeting. At your scheduled meeting we may grant the continuance at our own discretion. Please remember we will grant you no more than (2) continuances that you have either asked for, or that are necessary because you have not completed items 1-15 above. After that, your rezone request will be heard or dismissed unless you have already withdrawn it. Please be fair to others interested in your request by filing a continuance request in writing with the Staff at least the week before the scheduled meeting. And please make sure your Notice of Request for Rezone sign stays posted on your property continuously until the legislative body has finally decided your request.

Q. WHAT DO I DO AFTER THE LEGISLATIVE BODY MAKES ITS DECISION?

A. If your request has been granted, you are now free to continue with the plans that started you on this process. If it has been denied, you will need to change your plans. Please remove the Notice of Request for Rezone sign from your property within the next (5) days.

Q. IS THERE ANYTHING ELSE I NEED TO KNOW?

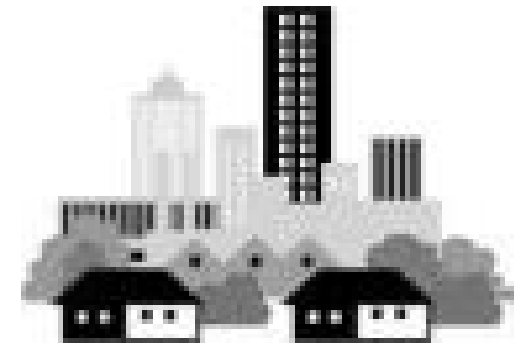
A. Yes. All forms, applications, evidence, materials, etc. you have submitted to the Staff and the Commission, either before or at your Public Hearing, become the property of the Commission. They are a matter of public record, and any person who asks can see them.

The Staff is always available to answer your questions, assist you, or provide you with forms and copies of our bylaws. Please contact them at the Area Plan Commission Office, 20 North 3rd Street, Lafayette, (765) 423-9242.

March 2001
November 2001
January 2003

REZONING

Here's how...



Area Plan Commission of Tippecanoe County

Planning for:

Tippecanoe County, Lafayette, West Lafayette,
Battle Ground, Clarks Hill and Dayton